

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CATHERINE L. DAVIS and)
TOMMY MOORE, -)
individually, and on)
behalf of others)
similarly situated,)

Plaintiffs,)

-vs-)

No. 5L07-cv-01401-W)

DELL, INC., d/b/a DELL)
COMPUTER, INC., DELL)
USA L.P., and DELL)
MARKETING L.P.,)

Defendants.)



DEPOSITION OF SHANNON BROTHERS

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON OCTOBER 15, 2008

COPY

REPORTED BY: KASEY D. EGELSTON, CSR

MID-CONTINENT TOWER
401 South Boston, Suite 310
Tulsa, Oklahoma 74103
918-599-0507

ROBINSON RENAISSANCE
119 N. Robinson, Suite 650
Oklahoma City, Oklahoma 73102
405-235-4106

depo@dreporing.com

REPORTING & VIDEO, INC.



1 Q No. For Dell.

2 A Kronos system.

3 Q What would you -- would you go in and
4 enter it into Kronos?

5 A Yes.

6 Q Let me have you look at what is --
7 we've marked Deposition Exhibit 1.

8 Have you ever seen this document or
9 anything similar before?

10 (Defendants' Exhibit 1 was marked
11 for identification purposes and
12 made a part of the record)

13 THE WITNESS: Possibly.

14 Q (By Mr. Fox) Look somewhat familiar?

15 A Somewhat familiar.

16 Q If you would look on page two of that
17 document, and I may sometimes refer to these
18 numbers -- they're Bates numbers. Oh, you know
19 Bates-stamping from paralegal school.

20 Did you ever work as a paralegal?

21 A No.

22 Q Did you enjoy paralegal school?

23 A I did. I did an internship with a
24 federal judge.

25 Q Who was that?

1 A I don't remember if we entered a time
2 or if it entered the times for us. I think we
3 entered the time.

4 Q Okay. And what time would you -- I
5 mean -- well, tell me this. Did you have a
6 regular shift that you worked?

7 A We were -- we had shifts that we would
8 work.

9 Q It would be assigned.
10 Do you remember, was it always the same
11 or did it vary?

12 A It varied.

13 Q How long would it stay the same? Was
14 it a weekly schedule or a monthly or a two-week?

15 A I don't remember accurately, but I
16 think it was maybe a week or two weeks.

17 Q Was there one that you ended up working
18 more than any other?

19 A It varied.

20 Q It varied from time to time.

21 What were the hours of the call center?

22 A It opened I believe 7:00 in the morning
23 and then stayed open until 10:00.

24 Q 10:00 at night?

25 A Sometimes 11:00.

1 A Some answer.

2 Q You just don't recall the details of
3 the answer?

4 A I don't remember the details.

5 Q Go back to Exhibit 5, if you would.

6 A (Witness complies)

7 Q It says, on the weekly salary: "Paid
8 biweekly, paid regardless of number of hours
9 worked."

10 Is that the way you understood your
11 compensation to be? That you got a fixed
12 salary, regardless of the number of hours that
13 you worked?

14 A Yes.

15 Q For that part.

16 And then you would get an overtime
17 premium for all hours worked over 40. You knew
18 you were getting it; you weren't sure what the
19 rate was?

20 A I knew I was getting -- I was told I
21 would get overtime pay.

22 Q Okay. Let me have you look at what has
23 been marked as Defendants' Exhibit 4, which is
24 two pages, and ask if you've ever seen that
25 equation or calculation or something comparable.

1 Wednesday, you would work -- that was the bing
2 to bong?

3 A Bing to bong.

4 Q And on those days, then, you would have
5 a substantial amount of time over eight hours;
6 correct?

7 A Yes.

8 Q How were lunches handled?

9 MR. FARHA: Object to form.

10 Q (By Mr. Fox) In terms of time?

11 A I remember just eating at my cubicle.

12 Q And if you ate through lunch, were you
13 supposed to count that as time worked?

14 A I counted it as time worked.

15 Q And as I understand it, you would
16 either enter the time in Kronos or at least go
17 in and check to see if it was accurate?

18 A I believe so.

19 Q Did you ever -- was there ever -- and
20 if you entered it, I assume you would enter it
21 accurately; correct?

22 A Yes.

23 Q Do you remember if there was ever a
24 time where you felt like the time got entered
25 into the system inaccurately?

1 Q And she went to HR and got it
2 corrected?

3 A Yes.

4 Q So as far as you know, all of the time
5 that went into Kronos, that you checked, was
6 accurate?

7 A I don't remember, but...

8 Q The only one you remember is the one
9 time, and that one got fixed?

10 A Yes.

11 Q And you would enter the time into
12 Kronos just like you wrote it down on your sheet
13 of paper?

14 A Yes.

15 Q No one at Dell ever told you, "Don't
16 write -- if you come in early, don't write that
17 time down in Kronos"?

18 A I don't remember.

19 Q Would that be something you would
20 remember? Like, falsify your time?

21 A Yeah. That would be something I would
22 remember.

23 Q And nobody ever told you to do that?

24 A No.

25 Q Did you ever hear anything called a WOW